

REMARKS

Applicant respectfully requests reconsideration and allowance of subject application. Claims 23-25 are pending. Applicant thanks the Examiner for the detailed analysis presented in the current Office Action.

Claim Rejections Under 35 U.S.C. § 103

Claims 23 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,058,389 issued to Chandra et al. (hereinafter “*Chandra*”) in view of U.S. Patent No. 6,094,694 issued to Hickson et al. (hereinafter “*Hickson*”). Claims 26 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Chandra* and *Hickson* and further in view of U.S. Patent No. 6,529,932 issued to Dadiomov et al. (hereinafter “*Dadiomov*”). Claims 24 and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Chandra*, *Hickson* and *Dadiomov* and further in view of U.S. Patent No. 6,282,565 issued to Shaw. Applicant respectfully traverses these rejections.

Regarding the rejections above, the current Office Action states that *Chandra*, *Hickson* and *Dadiomov* are relied upon to reject claims 23 and 25, but the Office does not cite any passages from *Dadiomov* in the rejection of the claims. Accordingly, the Applicant has traversed the rejection of claims 23 and 25 by arguing over only *Chandra* and *Hickson*. To do otherwise would require the Applicant to speculate why the Office thinks the *Dadiomov* patent is relevant to the subject matter of claims 23 and 25. However, Applicant has reviewed *Dadiomov* and believes the patent's applicability to claims 23 and 25 is insubstantial. *Dadiomov* relates to processing of messages at a receiver-side,

1 where the claims 23 and 25 set forth subject matter that pertains to sender-side
2 operations.

3 Portions of **Claims 23 and 25** are reproduced below:

4
5 23. A method for a sender to guarantee an exactly once delivery
6 of a message to a receiver, the method comprising:

7 ...sending to the receiver the message in association with the
8 expiration time and with the identifier; and

9 upon reaching the expiration time, if the message has not yet been
10 deleted, then deleting the message along with the identifier and the
11 expiration time associated with the message, the *deleting being performed*
12 *by a scavenger thread of the sender.*” (Emphasis added.)

13
14 25. A computer-readable medium having instructions for
15 performing a method for a sender to guarantee an exactly once delivery of
16 a message to a receiver, the method comprising:

17 ...sending to the receiver the message in association with the
18 expiration time and with the identifier; and

19 upon reaching the expiration time, if the message has not yet been
20 deleted, then deleting the message along with the identifier and the
21 expiration time associated with the message, the *deleting being performed*
22 *by a scavenger thread of the sender.*” (Emphasis added.)

23
24 *Chandra* in view of *Hickson* fail to disclose the recited method of claims 23
25 and 25. Namely, *Chandra* in view of *Hickson* fail to disclose “upon reaching the

1 expiration time, if the message has not yet been deleted, then deleting the message
2 along with the identifier and the expiration time associated with the message, the
3 *deleting being performed by a scavenger thread of the sender.*” (Emphasis added.)

4 The Office realizes *Chandra* is deficient in relation to the subject matter of
5 claims 23 and 25. In particular, the Office appreciates *Chandra* fails to teach or
6 suggest at least the subject matter of the claims that is indicated in the preceding
7 paragraph. The Office asserts *Hickson* cures this deficiency of the *Chandra*
8 patent. Applicant disagrees for the following reasons.

9 In one exemplary implementation described in the present Application, a
10 sender sends a message to a receiver, where the message includes an identifier and
11 an expiration time. The sender also saves the message in a local database, to
12 include the message’s identifier and expiration time. (Application specification,
13 page 2, lines 17-20.) The sender also includes a scavenger thread that will delete a
14 message after it expires. (Application specification, page 13, lines 14-15.)

15 *Chandra* teaches an arrangement for queuing messages received from
16 “agents.” *Chandra* does not discuss in detail the operation of these agents. In
17 fact, *Chandra* indicates that the agents “are considered outside the structure of the
18 queuing system, and therefore are not described in detail in this document.”
19 (*Chandra*; column 9, lines 5-9.) In essence, the *Chandra* arrangement is a receiver
20 of messages and the agents are the senders. Thus, *Chandra* certainly is unable to
21 teach or suggest “*deleting being performed by a scavenger thread of the sender*”
22 as is set forth in claims 23 and 25, since senders are not addressed in the *Chandra*
23 patent.

24 *Hickson* teaches an arrangement for handling messages at a receiver side.
25 The arrangement comprises a computer system 1c that includes a message queue

1 11 and a processor 13. (*Hickson*; column 4, lines 21-29.) The computer system 1c
2 receives new messages and stores the messages in a queue 11. The messages are
3 sent from other computer systems 1a or 1b. (*Hickson*; column 4, lines 21-29.)

4 The processor 13 handles retrieval of messages from the queue 11; the
5 handling functions related to the messages after they are retrieved. According to
6 *Hickson*, the processor 13 will delete retrieved messages based on various
7 expiration criteria. (*Hickson*; column 5, lines 6-18.)

8 Both *Chandra* and *Hickson* do not discuss the particulars related to how a
9 sender handles messages sent to a receiver. In fact, *Chandra* and *Hickson* only
10 address the sender side of messages for the sole purpose of explaining that
11 messages are sent from some entity or location. Additional discussion of a sender
12 is simply not provided, nor is it necessary based on the inventions described by the
13 two patents relied upon the Office.

14 Because *Chandra* and *Hickson* do not discuss the details of how a sender
15 handles messages, the Office cannot fairly assert that the combination of *Chandra*
16 and *Hickson* teaches or suggests “upon reaching the expiration time, if the
17 message has not yet been deleted, then deleting the message along with the
18 identifier and the expiration time associated with the message, the *deleting being*
19 *performed by a scavenger thread of the sender.*” (Emphasis added; claims 23 and
20 25.) Therefore, Applicant respectfully submits that the rejection of claims 23 and
21 25 in view of *Chandra* and *Hickson* is improper.

22 In addition to the above, the Applicant would like to comment on the
23 overall merit of rejection in view of *Chandra* and *Hickson*. The Office states, on
24 page 3 of the current Office Action, “[a]lthough Hickson does not explicitly
25 disclose the deletion being performed by a ‘scavenger thread,’ he discloses a

1 process that checks whether a message is expired and deletes any expired
2 messages (figure 3).” As the Applicant discussed above, the *Hickson* described
3 processor 13 deletes retrieved messages based on various expiration criteria.
4 (*Hickson*; column 5, lines 6-18.) These retrieved messages are local at the
5 *Hickson* described system, where the system is a receiver of messages. The
6 foregoing assertion by the Office does not address the limitation that recites
7 “*deleting [is] being performed by a scavenger thread of the sender.*” This
8 language is found in claims 23 and 25. The Office is earnestly requested to
9 address the limitations set forth in the claims, as failing to do so results in a
10 rejection that is without merit and substance.

11 **Claims 26-28** have been canceled without prejudice or disclaimer of the
12 subject matter recited by the claims. The cancellation of the claims renders the
13 remaining § 103 rejections moot.

14 **Claim 24** allowable by virtue of at least its dependency on an allowable
15 independent claim.

16 In accordance with the above, Applicant respectfully requests that the § 103
17 rejections of claims 23-28 be withdrawn.

18
19
20
21
22
23
24
25

1 **Conclusion**

2 Claims 23-28 are in condition for allowance. Applicant respectfully
3 requests reconsideration and prompt allowance of the subject application. If any
4 issue remains unresolved that would prevent allowance of this case, **the Examiner**
5 **is requested to urgently contact the undersigned attorney to resolve the issue.**

6

7

8 Respectfully Submitted,

9 Date: January 11, 2006

10 By: Tim R. Wyckoff
11 Tim R. Wyckoff
12 Lee & Hayes, PLLC
13 Reg. No. 46,175
14 (206) 315-4001 ext. 110